

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/804,381
Inventor(s) : Scott Edward Osborne et al.
Filed : March 19, 2004
Art Unit : 1615
Examiner : Lakshmi Sarada Channavajjala
Docket No. : 7892C
Confirmation No. : 7237
Customer No. : 27752
Title : COMPOSITIONS FOR EFFICIENT RELEASE OF
ACTIVE INGREDIENTS

REQUEST FOR REHEARING UNDER 37 C.F.R. 41.52

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

In response to the Decision on Appeal dated August 28, 2009, Appellants respectfully request rehearing of the present appeal.

Argument begins on page 2.

Appl. No. 10/804,381
Docket No. 7892C
Request for Rehearing dated October 28, 2009
Reply to Decision on Appeal dated on August 28, 2009
Customer No. 27752

ARGUMENT

The Decision on Appeal dated August 28, 2009 provides no indication that the Board of Patent Appeals and Interferences considered the arguments presented by Appellants in the Reply Brief dated January 14, 2008. Appellants respectfully submit that the arguments presented in the Reply Brief persuasively illustrate how the combination of Roe et al. and Johansson et al. is improper under 35 U.S.C. 103(a), especially when taking the teachings of each reference as a whole. Appellants therefore submit that a prima facie case of obviousness of Claims 1-9 and 11-19 has not been established under 35 U.S.C. 103(a).

In view of the above, Appellants respectfully request a rehearing of Appellants' appeal in the present application and that Appellants' arguments presented in the Reply Brief dated January 14, 2008 be fully considered by the Board of Patent Appeals and Interferences. Appellants further respectfully request that the rejections be reversed and Claims 1-9 and 11-19 be allowed.

Respectfully submitted,

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